

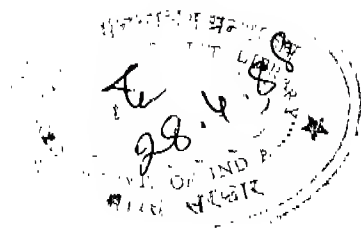


भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY



सं० 65] नई दिल्ली, सोमवार, दिसम्बर, 14, 1987/अग्रहायण 23, 1909
No. 65] NEW DELHI, MONDAY, DECEMBER 14, 1987/AGRAHAYANA 23, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on 14th November, 1987:—

BILL No. 132 OF 1987

A Bill further to amend the Alcock Ashdown Company Limited (Acquisition of Undertakings) Act, 1973.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Alcock Ashdown Company Limited (Acquisition of Undertakings) Amendment Act, 1987.

Short
title.

2. In section 2 of the Alcock Ashdown Company Limited (Acquisition of Undertakings) Act, 1973 (hereinafter referred to as the principal Act), after clause (c), the following clauses shall be inserted, namely:—

Amend-
ment of
section
2.

‘(ca) “notification” means a notification published in the Official Gazette;

(cb) “undertakings of the company” means—

(i) the industrial unit owned by the company and located at Bhavnagar in the State of Gujarat (hereinafter referred to as the Bhavnagar unit); and

(ii) the industrial unit owned by the company located at Bombay in the State of Maharashtra (hereinafter referred to as the Bombay unit):'.

Insertion of new sections 8A, 8B, 8C, 8D, 8E and 8F.

3. After section 8 of the principal Act, the following sections shall be inserted, namely:—

Vesting of the Bhavnagar unit in the State Government.

"8A. (1) Notwithstanding anything contained in sections 3 and 4, the Central Government shall direct by notification that all assets, rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, investments and all other rights and interests in, or arising out of, such property of the Bhavnagar unit which have vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in the State Government of Gujarat (hereinafter referred to as the State Government), either on the date of publication of the notification or on such later date as may be specified in the notification.

(2) Where the assets, rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, investments and all other rights and interests in, or arising out of, such property of the Bhavnagar unit vest, under sub-section (1) in the State Government, that Government shall, on and from the date of such vesting, be deemed to have become the owner of such unit and the rights and liabilities of the Central Government in relation to that unit shall, on and from the date of such vesting, be deemed to have become the rights and liabilities of the State Government.

Vesting of Bombay Unit in Government company.

8B. (1) Notwithstanding anything contained in sections 3 and 4, the Central Government shall direct by notification that all assets, rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, investments and all other rights and interests in, or arising out of, such property of the Bombay unit which have vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in the Mazagon Dock Limited, a Government company having its registered office in the State of Maharashtra (hereinafter referred to as the Government company), either on the date of publication of the notification or on such later date as may be specified in the notification.

(2) Where the assets, rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, investments and all other rights and interests in, or arising out of, such property of the Bombay unit vest, under sub-section (1) in the Government company, that company shall, on and from the date of such vesting, be deemed to have become the owner of such unit and the rights and liabilities of the Central Government in relation to that unit shall, on and from the date of such vesting, be deemed

to have become the rights and liabilities of the Government company.

8C. (1) Where the assets, rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, investments and other rights and interests in, or arising out of, such property of the Bhavnagar unit vest, under section 8A in the State Government, every person who has been, immediately before the date of such vesting, employed in that unit shall become, on and from the date of such vesting, an employee of the State Government, and shall hold office or service under that State Government with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the State Government is duly terminated or until his remuneration and other conditions of service are duly altered by the State Government.

Employment of certain employees to continue when Bhavnagar unit vests under section 8A.

14 of 1947.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the transfer of the services of any officer or other person employed in the Bhavnagar unit to the State Government, shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(3) Where under the terms of any contract of service or otherwise, any person, whose services become transferred to the State Government by reason of the provisions of this Act, is entitled to any arrears of salary or wages or any payments for any leave not availed of or any other payment, not being payment by way of gratuity or pension, such person may enforce his claim against the Central Government, but not against the State Government.

8D. (1) Where a provident fund, superannuation fund, welfare fund or any other fund has been established for the benefit of the persons employed in the Bhavnagar unit, the monies relatable to the officers or other employees, whose services have become transferred by or under this Act to the State Government shall stand transferred to, and vest in, the State Government.

Transfer of Provident fund and other fund when undertakings vest under section 8A.

(2) The monies which stand transferred under sub-section (1) to the State Government shall be dealt with by that Government for the benefit of the officers and employees so transferred in such manner as the State Government may decide from time to time.

8E. All contracts, deeds, bonds, agreements and other instruments of whatever nature to which the Central Government is a party in relation to the Bhavnagar unit vested in the State Government under section 8A subsisting or having effect immediately before the date of vesting of the said unit in the State Government, shall, as from that day, be of full force and effect against, or in favour of the State Government and may be enforced fully and effectually, as if, instead of the Central Government, the State Government had been a party thereto.

Saving of contracts, etc.

Power to
remove
difficul-
ties.

8F. (1) If any difficulty arises in giving effect to the provisions of sections 8A, 8B, 8C, 8D and 8E, the Central Government may, by order, published in the Official Gazette, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the coming into force of the Alcock Ashdown Company Limited (Acquisition of Undertakings) Amendment Act, 1987.

(2) Every order made under sub-section (1) shall be laid before each House of Parliament."

STATEMENT OF OBJECTS AND REASONS

The undertakings of the Alcock Ashdown Company Limited comprised of two units, one in Bombay and the other in Bhavnagar, Gujarat which were acquired by the Central Government through the Alcock Ashdown Company Limited (Acquisition of Undertakings) Act, 1973. Immediately after the acquisition of the undertakings, the Central Government, in exercise of powers under section 8 of the Act entrusted the management, and administration of the two units viz; (1) Bombay unit and (2) Bhavnagar unit to—(1) Mazagon Dock Limited, a Government of India undertaking under the Ministry of Defence and (2) Industries Commissioner, Government of Gujarat, respectively. Since then, the respective managements of Mazagon Dock Limited and Government of Gujarat have been running the units.

2. Prior to the acquisition of the undertakings of the company both the Mazagon Dock Limited and the Government of Gujarat had expressed their keen interest in ultimately owning the respective units in public interest. While acquiring the undertakings of the company, the Central Government was also of the view that the ownership of the two units would in due course be transferred to them who had been managing these units.

3. While the Central Government was actively considering the transfer of the two units, a question arose whether under the existing provisions of the Act, the units could be transferred. After examining the provisions of the Act, it however, appeared that in the absence of specific provisions in the Act, the Central Government cannot transfer the right, title and interest vested in it to any other Government or organisation.

4. The Bill seeks to re-vest the property of the Bhavnagar and Bombay units of the undertakings of the Alcock Ashdown Company Limited in the State Government of Gujarat and Mazagon Dock Limited, respectively. The Bill also seeks to safeguard the interests of the existing employees of Bhavnagar unit by continuing their employment, provide for the transfer of Provident fund and other funds to the State Government and for the saving of all contracts, deeds and bonds, to which the Central Government is a party in relation to the said unit.

NEW DELHI;

J. VENGALA RAO.

The 30th November, 1987.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to insert, among other sections, a new section 8F in the Alcock Asbdown Company Limited (Acquisition of Undertakings) Act, 1973 which empowers the Central Government, by order, to remove any difficulty which may arise in giving effect to the provisions of new sections 8A to 8E proposed to be inserted by the said clause. Any order which the Central Government may make under this section should not be inconsistent with the provisions of the Act. The proposed new section also provides that no such order shall be made after the expiry of two years from the date of coming into force of this Act. Every order made under this section is also required to be laid before the Houses of Parliament.

2. The delegation of legislative power under this new section, in so far as it provides for a time limit of two years within which this power could be exercised and that every order shall be laid before the Houses of Parliament, is of a normal character.

BILL NO. 133 OF 1987

A Bill to provide for the more effective prevention of the Commission of Sati and its glorification and for matters connected therewith or incidental thereto.

WHEREAS sati or the burning or burying alive of widows or women is revolting to the feelings of human nature and is nowhere enjoined by any of the religions of India as an imperative duty;

AND WHEREAS it is necessary to take more effective measures to prevent the commission of sati and its glorification;

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. (1) This Act may be called the Commission of Sati (Prevention) Act, 1987.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States.

Short
title,
extent
and
commence-
ment.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "Code" means the Code of Criminal Procedure, 1973;

2 of 1974.

(b) "glorification", in relation to *sati*, whether committed before or after the commencement of this Act, includes, among other things,—

(i) the observance of any ceremony or the taking out of a procession in connection with the commission of *sati*; or

(ii) the supporting, justifying or propagating the practice of *sati* in any manner; or

(iii) the arranging of any function to eulogise the person who has committed *sati*, or

(iv) the creation of a trust, or the collection of funds, or the construction of a temple or other structure or the carrying on of any form of worship or the performance of any ceremony thereat, with a view to perpetuate the honour of, or to preserve the memory of, a person who has committed *sati*;

(c) "*sati*" means the burning or burying alive of—

(i) any widow along with the body of her deceased husband or any other relative or with any article, object or thing associated with the husband or such relative; or

(ii) any woman along with the body of any of her relatives, irrespective of whether such burning or burying is claimed to be voluntary on the part of the widow or the woman or otherwise;

(d) "Special Court" means a Special Court constituted under section 9;

(e) "temple" includes any building or other structure, whether roofed or not, constructed or made to preserve the memory of a person committing *sati* or used or intended to be used for the carrying on of any form of worship or for the observance of any ceremony in connection with such commission.

(2) Words and expressions used but not defined in this Act and defined in the Indian Penal Code or in the Code shall have the same meanings as are respectively assigned to them in the Indian Penal Code or the Code.

45 of 1860.

PART II

PUNISHMENTS FOR OFFENCES RELATING TO SATI

Attempt
to commit
sati

3. Notwithstanding anything contained in the Indian Penal Code, whoever attempts to commit *sati* and does any act towards such commission shall be punishable with imprisonment for a term which may extend to one year or with fine or with both:

45 of 1860.

Provided that the Special Court trying an offence under this section shall, before convicting any person, take into consideration the circumstances leading to the commission of the offence, the act committed,

the state of mind of the person charged of the offence at the time of the commission of the act and all other relevant factors.

45 of 1860.

4. (1) Notwithstanding anything contained in the Indian Penal Code, if any person commits *sati*, whoever abets the commission of such *sati*, either directly or indirectly, shall be punishable with death or imprisonment for life and shall also be liable to fine.

Abetment
or *sati*.

(2) If any person attempts to commit *sati*, whoever abets such attempt, either directly or indirectly, shall be punishable with imprisonment for life and shall also be liable to fine.

Explanation.—For the purposes of this section, any of the following acts or the like shall also be deemed to be an abetment, namely:—

(a) any inducement to a widow or woman to get her burnt or buried alive along with the body of her deceased husband or with any other relative or with any article, object or thing associated with the husband or such relative, irrespective of whether she is in a fit state of mind or is labouring under a state of intoxication or stupefaction or other cause impeding the exercise of her free will;

(b) making a widow or woman believe that the commission of *sati* would result in some spiritual benefit to her or her deceased husband or relative or the general well being of the family;

(c) encouraging a widow or woman to remain fixed in her resolve to commit *sati* and thus instigating her to commit *sati*;

(d) participating in any procession in connection with the commission of *sati* or intentionally aiding the widow or woman in her decision to commit *sati* by taking her along with the body of her deceased husband or relative to the cremation or burial ground;

(e) being present at the place where *sati* is committed as an active participant to such commission or to any ceremony connected with it;

(f) preventing or obstructing the widow or woman from saving herself from being burnt or buried alive;

(g) obstructing, or interfering with, the police in the discharge of its duties of taking any steps to prevent the commission of *sati*.

5. Whoever does any act for the glorification of *sati* shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than five thousand rupees but which may extend to thirty thousand rupees.

Punish-
ment for
glorifica-
tion of
sati.

PART III

POWERS OF COLLECTOR OR DISTRICT MAGISTRATE TO PREVENT OFFENCES RELATING TO SATI

6. (1) Where the Collector or the District Magistrate is of the opinion that *sati* or any abetment thereof is being, or is about to be committed, he may, by order, prohibit the doing of any act towards the commission of *sati* by any person in any area or areas specified in the order.

Power
to
prohibit
certain
acts,

(2) The Collector or the District Magistrate may also, by order, prohibit the glorification in any manner of *sati* by any person in any area or areas specified in the order.

(3) Whoever contravenes any order made under sub-section (1) or sub-section (2) shall, if such contravention is not punishable under any other provision of this Act, be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than five thousand rupees but which may extend to thirty thousand rupees.

Power to
remove
certain
temples or
other
structures.

7. (1) The State Government may, if it is satisfied that in any temple or other structure which has been in existence for not less than twenty years, any form of worship or the performance of any ceremony is carried on with a view to perpetuate the honour of, or to preserve the memory of any person committing *sati*, by order, direct the removal of such temple or other structure.

(2) The Collector or the District Magistrate may, if he is satisfied that in any temple or other structure, other than that referred to in sub-section (1), any form of worship or the performance of any ceremony is carried on with a view to perpetuate the honour of, or to preserve the memory of, any person committing *sati*, by order, direct the removal of such temple or other structure.

(3) Where any order under sub-section (1) or sub-section (2) is not complied with, the State Government or the Collector or the District Magistrate, shall cause the temple or other structure to be removed through a police officer not below the rank of a Sub Inspector at the cost of the defaulter.

Power
to seize
certain
properties.

8. (1) Where the Collector or the District Magistrate has reason to believe that any funds or property have been collected or acquired for the purpose of glorification of the commission of any *sati* or which may be found under circumstances which create suspicion of the commission of any offence under this Act, he may seize such funds or property.

(2) Every Collector or District Magistrate acting under sub-section (1) shall report the seizure to the Special Court, if any, constituted to try any offence in relation to which such funds or property were collected or acquired and shall await the orders of such Special Court as to the disposal of the same.

PART IV

SPECIAL COURTS

Trail of
offences.
under
this Act.

9. (1) Notwithstanding anything contained in the Code, all offences under this Act shall be triable only by a Special Court constituted under this section.

(2) The State Government shall, by notification in the Official Gazette, constitute one or more Special Courts for the trial of offences under this Act and every Special Court shall exercise jurisdiction in respect of the whole or such part of the State as may be specified in the notification.

(3) A Special Court shall be presided over by a Judge to be appointed by the State Government with the concurrence of the Chief Justice of the High Court.

(4) A person shall not be qualified for appointment as a Judge of a Special Court unless he is, immediately before such appointment, a Sessions Judge or an Additional Sessions Judge in any State.

10. (1) For every Special Court, the State Government shall appoint a person to be a Special Public Prosecutor.

Special
Public
Prosecu-
tors.

(2) A person shall be eligible to be appointed as a Special Public Prosecutor under this section only if he had been in practice as an advocate for not less than seven years or has held any post for a period of not less than seven years under the State requiring special knowledge of law.

(3) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code and the provisions of the Code shall have effect accordingly.

11. (1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

Procedure
and
powers
of Special
Courts.

(2) Subject to the other provisions of this Act, a Special Court shall, for the purpose of the trial of any offence, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, so far as may be, in accordance with the procedure prescribed in the Code for trial before a Court of Session.

12. (1) When trying any offence under this Act, a Special Court may also try any other offence with which the accused may, under the Code, be charged at the same trial if the offence is connected with such other offence.

Power
of Special
Court
with
respect
to other
offences.

(2) If, in the course of any trial of any offence under this Act it is found that the accused person has committed any other offence under this Act or under any other law, a Special Court may convict such person also of such other offence and pass any sentence authorised by this Act or such other law for the punishment thereof.

(3) In every inquiry or trial, the proceedings shall be held as expeditiously as possible and, in particular, where the examination of witnesses has begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, and if any Special Court finds the adjournment of the same beyond the following date to be necessary, it shall record its reasons for doing so.

13. Where a person has been convicted of an offence under this Act, the Special Court trying such offence may, if it is considered necessary so to do, declare that any funds or property seized under section 8 shall stand forfeited to the State.

Forfeiture
of funds
or
property.

14. (1) Notwithstanding anything contained in the Code, an appeal shall lie as a matter of right from any judgment, sentence or order, not being an interlocutory order, of a Special Court to the High Court both on facts and on law.

Appeal.

(2) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.

PART V

MISCELLANEOUS

Protection
of action
taken
under
this
Act.

15. No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or authority of the State Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made under this Act.

Burden
of
proof.

16. Where any person is prosecuted of an offence under section 4, the burden of proving that he had not committed the offence under the said section shall be on him.

Obligation
of certain
persons
to report
about the
commis-
sion of
offence
under
this
Act.

17. (1) All officers of Government are hereby required and empowered to assist the police in the execution of the provisions of this Act or any rule or order made thereunder.

(2) All village officers and such other officers as may be specified by the Collector or the District Magistrate in relation to any area and the inhabitants of such area shall, if they have reason to believe or have the knowledge that *sati* is about to be, or has been, committed in the area shall forthwith report such fact to the nearest police station.

(3) Whoever contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

Person
convicted
of an
offence
under
section
4 to be
disquali-
fied from
inheriting
certain
properties.

18. A person convicted of an offence under sub-section (1) of section 4 in relation to the commission of *sati* shall be disqualified from inheriting the property of the person committing such *sati* or the property of any other person to which he would have been entitled to inherit on the person committing such *sati*.

Amend-
ment of
Act 43
of 1951.

19. In the Representation of the People Act, 1951,—

(a) in section 8, in sub-section (2) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that a person convicted by a Special Court for the contravention of any of the provisions of the Commission of Sati (Prevention) Act, 1987 shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of five years since his release.”;

(b) in section 123, after clause (3A), the following clause shall be inserted, namely:—

‘(3B) The propagation of the practice or the commission of *sati* or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

Explanation.—For the purposes of this clause, “*sati*” and “glorification” in relation to *sati* shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987.’

20. The provisions of this Act or any rule or order made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

Act to have overriding effect.

21. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

22. (1) All laws in force in any State immediately before the commencement of this Act in that State which provide for the prevention or the glorification of *sati* shall, on such commencement, stand repealed.

Repeal of existing laws.

(2) Notwithstanding such repeal, anything done or any action taken under any law repealed under sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of this Act, and, in particular, any case taken cognizance of by a Special Court under the provisions of any law so repealed and pending before it immediately before the commencement of this Act in that State shall continue to be dealt with by that Special Court after such commencement as if such Special Court had been constituted under section 9 of this Act.

STATEMENT OF OBJECTS AND REASONS

The recent incident of the commission of *sati* in the village of Deorala in Rajasthan, its subsequent glorification and the various attempts made by the protagonists of this practice to justify its continuance on religious grounds had aroused apprehension all over the country that this evil social practice, eradicated long back, will be revived. A general feeling had also grown in the country that the efforts put in by social reformers like Raja Ram Mohan Roy and others in the last century would be nullified by this single act in Rajasthan. The commission of *sati* in Deorala was also followed by a number of congregations, ceremonies and festivals, and attempts were also made to collect funds for the construction of a temple at the site where *sati* was committed. The place had also attracted large number of crowds and in spite of the various steps taken by the State Government of Rajasthan and the order of the High Court of Rajasthan to prohibit any ceremony being conducted, it was feared that a temple would be constructed at the site to perpetuate the memory of the widow who committed *sati*. These had evoked protests throughout the country and demands are being made by the women's organizations and from persons inside and outside Parliament for the enactment of a strong and deterrent Central law to provide for the more effective prevention of the commission of *sati* and its glorification so that this practice or its glorification is not continued in States where there is no law for the prevention or glorification of *sati*. Although the offence of attempt to commit suicide as contained in section 309 of the Indian Penal Code had been held by various High Courts to include the commission of *sati* punishable under the provision, the sentence provided in that section was not deterrent enough to prevent the commission of such practice. Further, that section also did not provide for the glorification of *sati* subsequent to the commission of *sati*. There are at present only three laws in force in the States, including the Rajasthan Sati (Prevention) Act, 1987. The other two enactments are the Bengal Sati Regulation, 1829 (Bengal Regulation XXII of 1829) and the Tamil Nadu Sati Regulation, 1830 (Tamil Nadu Regulation 1 of 1830).

2. It is, therefore, considered desirable to enact a Central law which should be applicable to the whole of India other than the State of Jammu and Kashmir. The Bill, among other things, provides for the following matters, namely:—

(i) the definition of *sati* would include not only the burning or burying alive of any widow along with the body of the deceased husband but would also include such burning or burying of any woman with any other relative or with any article, object or thing associated with the husband or such relative irrespective of whether such burning or burying is claimed to be voluntary or otherwise;

(ii) a definition of glorification of *sati* has been included which would include the observance of any ceremony, participating in any procession connected with the commission of *sati*, or of any function to eulogise the person who had committed *sati*. The definition would

also include the construction of any temple or the performance of carrying on of any form of worship for the performance of ceremony thereat;

(iii) the offence of attempt to commit *sati* will be punishable with the same punishment as is provided for the offence of attempt to commit suicide under section 309 of the Indian Penal Code. This is because in most cases the widow or the woman is compelled to commit *sati* and invariably she will not be in a fit state of mind or will be labouring under a state of intoxication or stupefaction or other cause impeding the exercise of her free will;

(iv) the abetment of *sati* will be punishable with death or imprisonment for life and shall also be liable to fine while the abetment of any attempt to commit *sati* will be punishable with imprisonment for life and fine;

(v) the glorification of *sati* is punishable with a minimum imprisonment of one year which may extend to seven years and with a minimum fine of five thousand rupees which may extend to thirty thousand rupees;

(vi) the Collector or District Magistrate has been given the power to prohibit the doing of any act towards the commission of *sati* in any area if he is of the opinion that *sati* is likely to be committed in such area. The State Government or the Collector or District Magistrate has also been empowered to remove temples or other structures constructed for the glorification of *sati* and to seize properties acquired for such purpose;

(vii) the offences under the proposed legislation will be triable only by a Special Court constituted under the provisions of the legislation;

(viii) where any person is prosecuted of an offence of abetment of *sati* or the abetment of an attempt to commit *sati*, the burden of proving that he had not committed the offence shall be on him. A person who is convicted of an offence of abetment of *sati* will also be disqualified from inheriting the property of the person who commits *sati*;

(ix) the Representation of the People Act, 1951 is being amended to provide for disqualification for standing for election to Parliament or to any State Legislature during the period of conviction and for a period of five years since his release. The propagation of commission of *sati* or its glorification by a candidate at such an election will also be deemed to be a corrupt practice under that Act.

3. The Bill seeks to achieve the above objects.

NEW DELHI;

The 9th December, 1987.

P. V. NARASIMHA RAO.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 21 of the Bill empowers the Central Government, by notification in the Official Gazette, to make rules for carrying out the provisions of the proposed legislation. The rules that may be made by the Central Government under this provision may relate to matters of procedure or detail and as such the delegation of legislative power will be normal in character.

SUBHASH C. KASHYAP,
Secretary-General,